

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

In re: Edward H. Okun Internal Revenue
 Service Tax Deferred Exchange Litigation

NO. MDL 09-02028 JW

**ORDER TERMINATING CASE;
 RECOMMENDING REMAND OF MDL
 ACTION**

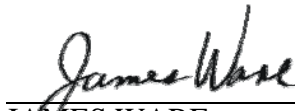
This multi-district case, along with several related actions within the Northern District of California, was reassigned to Magistrate Judge Spero on July 10, 2012. (See Docket Item No. 21.) However, prior to reassignment, the parties in the Quirk Infiniti, Inc. v. Wachovia Bank, N.A. action had reached a settlement as to the claims in this case, and those parties were dismissed as the result of the settlement.¹ (See Docket Item Nos. 6, 8.) In addition, on August 3, 2012, the parties appeared before Judge Spero, who granted Plaintiffs' oral Motion to Dismiss the remaining individual Defendants—Okun, Coleman, and Fields—in the MDL case. (See Docket Item No. 24.) On August 8, 2012, the case was reassigned to Chief Judge Ware. (See Docket Item No. 25.)

¹ This MDL case consisted, in its entirety, of (1) the Quirk action, which originated in the District of Massachusetts; and (2) Hunter v. Okun, No. C 07-02795, which originated in the Northern District of California. (See Docket Item No. 1.) Thus, with the resolution of the Quirk action, the multi-district component of this case was brought to a close.

1 Accordingly, in light of the parties' settlement and dismissals, the Court TERMINATES this
2 case. In light of this Order, the Court RECOMMENDS to the MDL Panel that it remand this action
3 to its transferor districts.²

4 The Clerk shall close this file.

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7 Dated: August 8, 2012


JAMES WARE
United States District Chief Judge

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25 ² See J.M.D.L. R. 10.1; see also In re TMJ Implants Prods. Liability Litig., 872 F. Supp.
26 1019, 1038 (D. Minn. 1995) (explaining that if a transferee judge determines that any action or claim
27 is "ready for remand because the common pretrial proceedings pertaining to that action or claim
28 have been completed and the action or claim would no longer benefit from inclusion in the
coordinated or consolidated pretrial proceedings, the transferee judge may suggest to the Panel that
the Panel remand the action or claim to its transferor district").

United States District Court

For the Northern District of California

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: August 8, 2012**Richard W. Wieking, Clerk**

By: /s/ JW Chambers
William Noble
Courtroom Deputy